

ARGUMENTS / REMARKS

In response to the Office Action dated September 9, 2005, Applicant respectfully requests the Office to enter the amendments set forth above and consider the following remarks. By this response, Applicant amends claims 1, 10-12, 18, and 24, cancels claim 9 without prejudice or disclaimer, and adds no new claims. After entry of this paper, claims 1-8 and 10-27 will be pending in this application.

In the Office Action, the Examiner: (i) rejected claims 1-7, 9, 12, 18, 19, 23, 24, and 27 under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,152,526 to Soong ("Soong"); and (ii) rejected claims 8, 11, 14, 15, 22, 25, and 26, under 35 U.S.C. § 103(a) as allegedly unpatentable over Soong in view of the knowledge of one skilled in the art.

35 U.S.C. § 102(b) Rejections

Claims 1-7, 9, 12, 18, 19, 23, 24, and 27 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Soong.

Without acquiescing to the rejection and in the interest of expediting prosecution, Applicant has amended claims 1 and 18 to further clarify the recited invention over the cited art. Specifically, claims 1 and 18 have been amended to recite that the racket frame has a "hollow frame profile," and "wherein the at least one opening is formed by two opposite holes in the hollow frame profile." No new matter has been added via these amendments. Applicant respectfully asserts that Soong does not teach or suggest the combination of features now recited.

Soong discloses a sports racket frame, such as a tennis racket frame. The frame comprises an outer wall 1 forming an outer boundary of the frame, an inner wall 2 forming an inner boundary of the frame, and multiple panels (e.g., 3, 10, etc.) that connect the two walls. Due to the panel geometry, openings 6 are formed that may be triangular, rectangular or of other polygonal shape (see, e.g., column 2, line 59 to column 3, line 15). Accordingly, Soong discloses a tennis racket frame that has a latticework construction to achieve the design goal of a high strength to weight ratio (see, e.g., column 1, lines 5-7).

Soong, however, fails to disclose and, indeed, teaches away from the limitations of amended claims 1 and 18. For example, claims 1 and 18 now explicitly recite a frame with a "hollow frame profile." Furthermore, claims 1 and 18 also include recitations directed to the opening(s) formed by two opposite holes in this hollow frame profile. In contrast, Soong teaches a different construction to the hollow frame profile now reflected in the claims (see, e.g., column 2, lines 9-13). Specifically, Soong is directed to achieving a suitable strength-to-weight ratio vis-à-vis an entirely different racket profile, and does not teach the "hollow frame profile" and related 'opening(s)' and 'opposite holes' recited in the claims. Indeed, Soong admits that a hollow frame profile is not desirable and the latticework construction disclosed in Soong is distinguished from such hollow profile constructions. See, e.g., col. 1, line 23 - col. 2, line 13. Accordingly, due to its failure to teach or suggest at least the "hollow frame profile" and related features, Soong cannot anticipate claims 1 and 18.

Applicant therefore requests that the rejection of claims 1 and 18 under 35 U.S.C. §102(b) be withdrawn and the claims allowed. Additionally, claims 2-7, 9, 12, 19, 23, 24, and 27, which directly or indirectly depend from claims 1 and 18, are also allowable for at least the same reasons.

35 U.S.C. § 103(a) Rejections

Claims 8, 11, 14, 15, 22, 25, and 26 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Soong in view of the knowledge of one skilled in the art.

Claims 8, 11, 14, 15, 22, 25, and 26 directly or indirectly depend from amended claims 1 or 18, and are allowable over Soong for at least the same reasons set forth above. Accordingly, Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Double Patenting

Claims 1-27 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-17 of co-pending Application No. 10/812,060. Because neither set of claims has issued or been allowed, Applicant respectfully requests that this issue be deferred at this time. If and

when appropriate, Applicant will address this issue in the later-issuing application as it may develop.

Finally, Applicant submits herewith an Information Disclosure Statement listing three references for consideration by the Office.

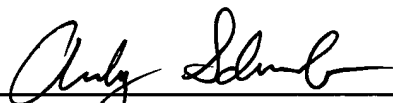
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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